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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/829,606

04/22/2004

Jeffrey M. Simpson

2S14.1-031

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10/04/2006

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EXAMINER

GRILES, BETHANY L

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/829,606 | Applicant(s) SIMPSON ET AL. | |
| | Examiner Bethany L. Griles | Art Unit 3643 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 6/14/06 have been fully considered but they are not persuasive. Examiner maintains the rejection based on the previously cited Cahajla (US5699754) and Liu (US6230915) references.

Specifically, with relation to claim 1, Cahajla discloses in col 3, line 61, that the sidewall is "like that of a plastic colander, for example". Examiner cannot give weight to the fact that Applicant claims "appearance of a rattan material", as it would be possible for the definition of a rattan appearance to cover the scope of many different structures. The fact that Cahajla discloses a perforated plastic structure anticipates the claim in the immediate Application. Examiner further asserts that the structure 16 of Cahajla does indeed resemble that of a rattan material, at least from the depiction in Figure 1).

With regard to Applicant's argument that Liu does not disclose "a pair of rails", Examiner must maintain that the horizontal rods 43 of Liu do fit a definition of rails. Further, the connector feet as claimed by Applicant are equivalent to the elements 42 and 43 of Liu.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Cahajla US5699754.

Regarding claim 1, Cahajla discloses a substantially rigid frame 36 and a moisture resistant plastic stranded material (col 3, lines 60-63) woven into the frame to present the appearance of a rattan material.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-17, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cahajla in view of Liu US6230915.

Regarding claims 2, 16, 17, 23, and 24, Cahajla discloses a plastic material.

Cahajla does not disclose the structure is generally flat.

Liu discloses a structure comprising generally flat panels assemble together with at least 2 rails 51, 51', 61, 61'(Figure 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Liu to the invention of Cahajla in order to make a more versatile product which was easier to package and assemble.

Regarding claim 3, Cahajla discloses a box like structure (Figure 2).

Regarding claim 4, Cahajla discloses the bottom of the structure is open (col 3, lines 20-25).

Regarding claims 5 and 6, Cahajla does not disclose a pin and ferrule coupling.

Liu discloses a pin 31', 32', 33' and ferrule (unnumbered) coupling attached to each other by at least one connector foot comprising a resilient block 42, 43 for engaging cooperating posts of the panels.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Liu to the invention of Cahajla in order to make the structure more sturdy and easier to assemble and disassemble.

Regarding claim 7, Cahajla discloses a catch tray 18 for resting a litter box thereon.

Regarding claim 8, Cahajla discloses a removable catch tray 14a, 14b has at least one notched corner (see element 14a in Figure 2).

Regarding claims 9, 12, 13, and 15, Cahajla does not disclose a pivotally opening front panel.

Liu discloses a pivotally opening front panel 9.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Liu to the invention of Cahajla in order to control ingress and egress.

Regarding claim 10, Cahajla discloses at least one rail 32 for sliding a litter pan thereon.

Regarding claims 11 and 14, Cahajla discloses a latch 40, 42 in the form of threads.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany L. Griles whose telephone number is 571.272.6888. The examiner can normally be reached on Tuesday 5.30am-11.30am and Thursday 5.30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571.272.6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

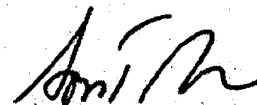
Art Unit: 3643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



blg

Bethany L. Griles
Examiner
Art Unit 3643



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